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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA RUIC KIMBALL,

Defendant.

CASE NO. 1:23-cr-00221-JAM-BAM

**STIPULATION AND ORDER CONTINUING
TRIAL AND RESETTING STATUS
CONFERENCE AND BRIEFING SCHEDULE**

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was scheduled for trial on March 24, 2025, trial confirmation on February 11, 2025, and status conference on January 22, 2025. Time has been previously excluded until March 24, 2025.

2. Defendant's retained counsel is in Atlanta, Georgia, and due to an unexpected and severe weather forecast is not guaranteed safe travel for court on January 22, 2025.

3. Defendant's counsel and the United States have been engaged in active settlement negotiations. Based on a conversation on January 19, 2025, the United States is considering extending a new and different plea agreement to defendant.

4. Defendant is also still reviewing additional discovery made available in December 2024,

1 consisting of 170 GB of additional video and reports.

2 5. Defendant's counsel and the government had intended to meet and confer in advance of
3 the status conference on January 22, 2025, to pick new dates for trial as discussed below. However, due
4 to the weather circumstances as discussed above, the parties are instead seeking to reset by stipulation.

5 6. Simultaneous with the filing of this stipulation and proposed order, the parties have filed
6 a stipulation and proposed order to reset the status conference to **February 26, 2025** in front of US
7 Magistrate Judge Barbara A. McAuliffe.

8 7. By this stipulation, the parties move to set:

9 a) Trial confirmation on **March 25, 2025**, in front of US District Judge John A.
10 Mendez.

11 b) Trial on **May 19, 2025** at 9 AM in front of US District Judge John A. Mendez.

12 8. The parties will meet and confer about a motions schedule in advance of the status
13 conference.

14 9. The parties estimate trial to take approximately one week, including jury selection.

15 10. The parties agree and stipulate, and request that the Court find the following:

16 a) The government has represented that the discovery associated with this case
17 includes investigative reports, and related documents, photographs, etc., in electronic form. All
18 of this discovery has been either produced directly to counsel and/or made available for
19 inspection and copying.

20 b) Defense counsel requires additional time to review discovery and prepare for trial.

21 c) The government does not object to the continuance.

22 d) Based on the above-stated findings, the ends of justice served by continuing the
23 case as requested outweigh the interest of the public and the defendant in a trial within the
24 original date prescribed by the Speedy Trial Act.

25 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
26 et seq., within which trial must commence, the time period of March 24, 2025 to May 5, 2025,
27 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A) and 18 U.S.C.
28 § 3161(h)(7)(B)(iv) because it results from a continuance granted by the Court at defendant's

request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

11. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: January 19, 2025

MICHELE BECKWITH
Acting United States Attorney

/s/ ROBERT L. VENEMAN-HUGHES
ROBERT L. VENEMAN-HUGHES
Assistant United States Attorney

Dated: January 19, 2025

/s/ KATRYNA SPEARMAN
KATRYNA SPEARMAN
Counsel for Defendant
Joshua Ruic Kimball

ORDER

Based on the stipulation of the parties, the February 11, 2025 trial confirmation hearing is **VACATED** is **RESET** for **Tuesday, March 25, 2025, at 09:00 a.m.**, in person, in Courtroom 6, on the 14th floor of the Robert T. Matsui U.S. Courthouse, in Sacramento, California, before Senior District Judge John A. Mendez.

The March 24, 2025 trial is **VACATED** and **RESET** for **Monday, May 19, 2025, at 09:00 a.m.**, in Courtroom 6, on the 14th floor of the Robert T. Matsui U.S. Courthouse, in Sacramento, California, before Senior District Judge John A. Mendez.

The January 22, 2025 status conference is **VACATED** and **RESET** for **Wednesday, February 26, 2025, at 01:00 p.m.**, in Courtroom 8, on the 6th floor of the Robert E. Coyle Federal Courthouse, in Fresno, California, before Magistrate Judge Barbara A. McAuliffe. The parties will meet and confer about a motions schedule in advance of the status conference.

Time is **EXCLUDED** through and including May 19, 2025, as described in the parties' Stipulation.

Dated: January 21, 2025

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE